77

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.386 of 2002

PETITIONERS

1. Jagdamba Singh aged about 35 years S/o Tejbahadur R/o Shankar Nagar Bilaspur, Thana Torba, Tahsil Bilaspur Distt. Bilaspur (C.G.)
2. Rajesh Kumar aged about 30 years S/o Chhedilal R/o Babu Kholi, Bilaspur, Thana Torba, Tahsil Bilaspur Distt. Bilaspur (C.G.)
3. Mohanlal Kori S/o Alguram, R/o Mohan Building Thana Torba, Tahsil Bilaspur Distt. Bilaspur (C.G.)
4. Naruttam S/o Anjardas R/o Jairam Nagar, Thana Torba, Tahsil Bilaspur, Distt. Bilaspur (C.G.)

Versus

RESPONDENTS

1. Union of India through the Senior Divisional Personnel Officer, South Eastern Railway Bilaspur (C.G.)
2. Divisional Railway Manager, South Eastern Railway, Bilaspur (C.G.)
3. General Manager, South Eastern Railway Garden Reach Kolkata -43 (W.B.)

Present : Shri A.K.Gupta, counsel for the petitioners.
Shri P.S.Koshy, Standing Counsel for the respondents.

ORAL ORDER
(Passed on 13th March, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

The petitioners were employees of the respondents/South Eastern Railways. They are calling in question the order passed by the disciplinary authority dated 24-11-1998 terminating their services.

(2) Shri P.S.Koshy, learned counsel appearing for the respondents by way of preliminary objection would submit that if for any reason, the

78

petitioners are aggrieved by the order passed by the respondents dismissing them from service, they should have filed an appropriate application before the Central Administrative Tribunal as provided under Section 19 of the Administrative Tribunals Act. Therefore, learned counsel would submit that the petition filed by the petitioners is not maintainable before this Court.

(3) Learned counsel appearing for the petitioners does not dispute the legal position, but however, contends that the respondents without supplying a copy of the enquiry officer's report, could not have passed the impugned order. In our view, the petitioners and their learned counsel can raise the aforesaid contentions before the Central Administrative Tribunal in an application that the petitioners may file. In that view of the matter, we are not inclined to accept the submission of the learned counsel for the petitioners. Since the petitioners have an alternative, effective and a statutory remedy against the impugned order of the disciplinary authority dated 24-11-1998, we decline to entertain this petition. Accordingly, the writ petition is rejected. However, liberty is reserved to the petitioners, if they so desire, to question the correctness or otherwise of the order passed by the disciplinary authority dated 24-11-1998 before the Central Administrative Tribunal by filing an appropriate application within a month's time from today. If such an application is filed within the time granted, the Tribunal shall decide the said application on merits without reference to the period of limitation. All the contentions of both the parties are left open. Ordered accordingly.

Sd/-
Chief Justice

Sd//-
V.K.Shrivastava
Judge